

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MIGUEL MARTINEZ,

Plaintiff,

VS.

ROBERT STACEY and

6820247 CANADA, INC. d/b/a T N J

TRUCKING,

Defendants

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C.A. NO. \_\_\_\_\_

JURY TRIAL REQUESTED

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**DEFENDANT, 6820247 CANADA, INC. d/b/a T N J TRUCKING'S,  
NOTICE OF REMOVAL**

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TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant, 6820247 CANADA, INC. d/b/a T N J TRUCKING, files this Notice of Removal pursuant to 28 U.S.C. §§1441 and 1446, showing the following basis for removal.

**INTRODUCTION**

1. Plaintiff, MIGUEL MARTINEZ, filed Plaintiff's Original Petition on June 20, 2013 initiating a lawsuit under Cause No. 2013-36594, pending in the 80<sup>th</sup> Judicial District Court of Harris County, Texas.

2. Defendant, 6820247 CANADA, INC. d/b/a T N J TRUCKING, has not been formally served with process.

3. Plaintiff has not requested issuance of citation for service on Defendant, ROBERT STACEY.

4. This original Notice of Removal is filed within thirty days after receipt by Defendant, 6820247 CANADA, INC. d/b/a T N J TRUCKING, of Plaintiff's Original Petition

which is in compliance with the statutory period for removal as required under 28 U.S.C. § 1446(b).

#### **JURISDICTION**

5. This court has removal jurisdiction over this lawsuit pursuant to 28 U.S.C. §§ 1441 and 1446, and based upon diversity of citizenship under 28 U.S.C. §1332. Plaintiff, MIGUEL MARTINEZ, is domiciled in Texas and a citizen of that state. Defendant, 6820247 CANADA, INC. d/b/a T N J TRUCKING, is a foreign trucking company located in Ontario, Canada and is a citizen of that country. Defendant, ROBERT STACEY, is domiciled in Ontario, Canada and is a citizen of that country. Thus, there is diversity of citizenship between Plaintiff and Defendants.

6. Consistent with TEX. R. CIV. P. 47, Plaintiff does not state a specific amount of damages in his Original Petition. However, the elements of damages for which he seeks recovery are very broad and include a claim that Plaintiff “suffered and continues to suffer severe bodily injuries”. Plaintiff’s counsel has also informed defense counsel that Plaintiff is currently recovering from lumbar surgery. In his petition, Plaintiff seeks to recover past and future damages for medical expenses, pain and suffering, mental anguish, physical impairment and lost wages. These factors indicate a belief by Plaintiff that his damages are significant enough to exceed this Court’s jurisdictional minimum.

Therefore, based on information and belief, Plaintiff is seeking an amount in excess of this court’s jurisdictional minimum of \$75,000.00, excluding interest and costs.

7. All pleadings, process, orders, and other filings in the state court action in the possession of Defendant is attached to this notice as required by 28 U.S.C. §1446(a).

8. Venue is proper in this district and division under 28 U.S.C. §1441(a) because the state court where the action has been pending is located in this district and division.

9. Defendant will promptly file a copy of this Notice of Removal with the clerk of the state court where the action has been pending.

**JURY DEMAND**

10. Plaintiff did demand a jury in the state court suit and Defendant also demands a trial by jury.

**CONCLUSION**

11. For these reasons, Defendant, 6820247 CANADA, INC. d/b/a T N J TRUCKING, therefore gives notice of the removal of this lawsuit to this Court, and an automatic stay of further proceedings in state district court.

Respectfully submitted,

**RAMEY, CHANDLER, QUINN & ZITO, P.C.**

By: /s/ John F. Elwood  
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**ATTORNEYS FOR DEFENDANT,  
6820247 CANADA, INC. d/b/a  
T N J TRUCKING**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of **Defendant's Notice of Removal** has been served upon all counsel of record, in accordance with the rules, on this the 15<sup>th</sup> day of July, 2013 as follows:

Brenna L. Sanchez  
The Dunk Law Firm, PLLC  
4505 Caroline Street  
Houston, Texas 77004  
*Counsel for Plaintiff*

Via Fax: (713) 223-1438

/s/ John F. Elwood  
John F. Elwood